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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHERYL KIER, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

TARGET CORPORATION, a Minnesota
Corporation, and Does 1-25, inclusive ,

Defendants.

OKECHUKWU MBAMA, individually
and on behalf of all others similarly
situated,

Plaintiff,

vs.

TARGET CORPORATION, a Minnesota
Corporation, and Does 1-25, inclusive,
Defendants.

No. C-06-7957-MHP

**DECLARATION OF RISHI N. SHARMA
IN SUPPORT OF ADMINISTRATIVE
MOTION TO RELATE CASES**

N.D. Cal. Civ. L.R. 3-12(b)

No. C-07-3014-SI

1 I, Rishi N. Sharma, declare:

2 1. I am a member of the Bar of this Court, an associate at Paul, Hastings, Janofsky &
3 Walker LLP, and one of the attorneys representing defendant Target Corporation ("Target") in the
4 following actions:

5 ■ *Cheryl Kier, individually and on behalf of all others similarly situated, Plaintiff, vs.*
6 *Target Corporation, a Minnesota Corporation, and Does 1-25, inclusive, Defendant,*
7 *U.S.D.C., N.D. Cal. No. C-06-7957-MHP (filed Dec. 29, 2006) ("Kier").*

8 ■ *Okechukwu Mbama, individually and on behalf of all others similarly situated, Plaintiff,*
9 *vs. Target Corporation, a Minnesota Corporation, and Does 1-25, inclusive, Defendant,*
10 *U.S.D.C., N.D. Cal. No. C-07-3014-SI (filed Jun. 8, 2007) ("Mbama").*

11 2. I make this declaration in support of Target's administrative motion to relate these cases.
12 I have personal knowledge of the facts set forth in this declaration and could and would competently
13 testify to them under oath if called as a witness.

14 3. Pursuant to Northern District Civil Local Rule 7-11(a), Jeffrey D. Wohl, lead counsel for
15 Target in this action, communicated with Shelby L. Clark, counsel for plaintiff in both *Kier* and *Mbama*,
16 by telephone on Friday, August 10, 2007, to solicit his agreement to relate the actions and reassign them
17 to the Honorable Marilyn Hall Patel, before whom *Kier* was pending prior to its transfer to the Central
18 District of California. During this conversation, Mr. Shelby indicated that plaintiff's counsel in *Kier* and
19 *Mbama* were willing to reassign *Mbama* to Judge Patel.

20 4. On Monday, August 13, 2007, I transmitted to Mr. Clark a draft stipulation to relate *Kier*
21 and *Mbama* and to reassign *Mbama* to Judge Patel pursuant to Civil Local Rule 3-12.

22 5. On Tuesday, August 14, 2007, Mr. Clark replied, in material part, as follows: "I agreed
23 with [Jeffrey D. Wohl, counsel for Target] that we were willing to proceed in front of Judge Patel rather
24 than Judge Illston. However, we do not believe that the *Kier* and *Mbama* cases are related within the
25 meaning of the Northern District's local rules. If you see a way to have the *Mbama* case assigned to
26 Judge Patel without deeming the cases related, we are happy to cooperate."

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8. Target intends to move the Court to transfer venue pursuant to 28 U.S.C. section 1404(a) based on plaintiff's counsel's attempt to evade the transfer order in *Kier*. See, e.g., *Wireless Consumers Alliance v. T-Mobile USA, Inc.*, No. C-03-3711-MHP, 2003 U.S. Dist. LEXIS 26802, *14-18 (N.D. Cal. Oct. 14, 2003).

Executed on August 15, 2007, in San Francisco, California.

Rishi N. Sharma